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December 13, 2007

### **BY E-FILE**

The Honorable Joseph J. Farnan, Jr.  
United States District Court, District of Delaware  
844 North King Street  
Wilmington, DE 19801

Re: *NICE Systems, Inc. and NICE Systems, Ltd. v. Witness Systems, Inc.*  
C.A. No. 06-311 (JJF)

Dear Judge Farnan:

I write on behalf of my clients, Plaintiffs NICE Systems, Inc. and NICE Systems, Ltd. (collectively "NICE"), to advise that, in an effort to streamline this action scheduled for trial beginning January 14, 2008, my clients have determined to further narrow the number of claims at issue in the manner described more specifically below. As a result, no construction of claims contained therein is required.

Specifically, NICE has determined to withdraw 14 additional claims:

1. '005 Patent: claims 1, 11 (2 claims)
2. '570 Patent: claim 7 ( 1 claim)
3. '345 Patent: claims 40, 41 (2 claims)
4. '372 Patent: claims 6, 14, 19 (3 claims)
5. '370 Patent: claims 1, 9, 27 (3 claims)
6. '920 Patent: claims 3, 18 (2 claims)

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7. '109 Patent: claim 3 (1 claim)

The following 13 claims remain for trial:

1. '371 Patent: claims 1, 8 (2 claims)
2. '570 Patent: claim 6 ( 1 claim)
3. '345 Patent: claims 14, 48 (2 claims)
4. '372 Patent: claims 1, 15, 33 (3 claims)
5. '920 Patent: claims 1, 16, 21 (3 claims)
6. '109 Patent: claims 1, 6 (2 claims)

A form of order formalizing that NICE has withdrawn these claims is being filed contemporaneously with this letter.

Counsel is available should the Court have any questions.

Respectfully,

*Melanie K. Sharp (MTS #4764)*

Melanie K. Sharp (No. 2501)

MKS:mts

cc: Monté T. Squire, Esq.  
Scott Lindvall, Esq.  
Clerk of the Court (by Hand Delivery)  
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